

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

JERRY LEE WALKER,

Plaintiff,

Civ. No 6:20-cv-01755-MK

OPINION & ORDER

v.

AMERICAN RED CROSS, ET AL.

Defendants.

AIKEN, District Judge:

Before the Court is pro se plaintiff Jerry Walker's Motion for Relief from Judgment, ECF No. 48. Plaintiff seeks relief from a judgment entered April 12, 2023, pursuant to the Court's order adopting the findings and recommendations ("F&R") of Magistrate Judge Mustafa Kasubhai, ECF No. 40. For the reasons explained, plaintiff's motion for relief from judgment, ECF No. 48, is DENIED.

BACKGROUND

The Court will not repeat the procedural history here, nor will it chronicle the record of plaintiff's many filings. On December 22, 2022, Judge Kasubhai recommended that plaintiff's Third Amended Complaint be dismissed without leave

to amend. ECF No. 40 (“F&R”). Plaintiff filed objections. ECF No. 42. On April 12, the Court adopted Judge Kasubhai’s F&R and dismissed plaintiff’s Third Amended Complaint. ECF No. 46 (“Order”). In that Order, the Court also adopted Judge Kasubhai’s recommendation to deny plaintiff’s motion for reconsideration of a prior order, ECF No. 37, and deny plaintiff’s motion for a stay, ECF No. 43. On April 12, the same day the Court issued its order and entered a judgment of dismissal, plaintiff filed this motion for relief from judgment. ECF No. 48. In his motion, plaintiff reiterates his objections to the F&R and cites his disagreements with the Court’s adoption of the F&R.

DISCUSSION

Under Rule 60(b), relief from a judgment or order is available for: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence; (3) fraud, misrepresentation, or misconduct by the opposing party; (4) voiding of the judgment; (5) satisfaction of the judgment; or (6) “any other reason that justifies relief.” *See* Fed. R. Civ. P. 60(b). “Motions for relief from judgment pursuant to Rule 60(b) are addressed to the sound discretion of the district court and will not be reversed absent an abuse of discretion.” *Casey v. Albertson's Inc.*, 362 F.3d 1254, 1257 (9th Cir. 2004).

In plaintiff’s motion for relief from judgment, plaintiff copies from his objections to the F&R. *See* ECF No. 48 at 2-3 (rationale for relief) (citing ECF No. 42) (objections). Plaintiff also “objects” generally to the Court’s overall decision to dismiss the third amended complaint and deny plaintiff’s motion for stay and motion for recusal. ECF No. No. 48 at 3-4.

Plaintiff does not point to any factors identifying any kind of “mistake, inadvertence, surprise or excusable neglect, fraud, or satisfaction” that warrant relief from judgment. Instead, plaintiff presents the same arguments that the Court has considered and rejected. A Rule 60(b) motion is not an avenue to relitigate the same issues and arguments on which the Court has already ruled. *Brown v. Kinross Gold, U.S.A.*, 378 F. Supp. 2d 1280, 1288 (D.Nev.2005); see *Merozoite v. Thorp*, 52 F.3d 252, 255 (9th Cir.1995). Accordingly, Court finds that plaintiff has not shown that he is entitled to relief under Rule 60(b).

CONCLUSION

Plaintiff's Motion for Relief from Judgment, ECF No. 48, is DENIED.

It is so ORDERED and DATED this 6th day of March 2024.

/s/Ann Aiken

Ann Aiken
United States District Judge